

### **REMARKS**

This responds to the Office Action mailed on October 6, 2006. Claims 1, 14 and 31 are amended to further clarify the recited subject matter, no claims are canceled, and no claims are added. Thus, claims 1-45 remain now pending in this application. No new matter is added. Support for the amendments are found at least at pages 4-7 of Applicant's specification.

Applicant traverses the rejections for the reasons provided in previous responses. Applicant respectfully asserts that the office actions have not provided the claim terms with their ordinary and customary meaning to a person of ordinary skill in the art. For example, a person of ordinary skill in the art would not interpret transmission protocol to be synonymous with Eriksson's modes. Since the rejection does not give "transmission protocol" its ordinary and customary meaning to a person of ordinary skill in the art, the rejection relied on improper inherency arguments. Eriksson does not show a control unit having programmable acquisition, hold and release parameters. In the interest of clarity and brevity, Applicant has not addressed every assertion made in the office action. Applicant's silence regarding any specific assertion contained in the office action is not intended to be taken as an admission of the assertion.

In the interest of advancing prosecution of this application, Applicant has chosen to amend the claims to further clarify the recited subject matter. Applicant respectfully requests consideration and allowance of the claims.

#### **§102 Rejection of the Claims**

Claims 1-3, 7-16, 20-26, 28, 31, 32, 36-41 and 43-45 were rejected under 35 U.S.C. § 102(b) for anticipation by Eriksson et al. (US 6,563,891). Applicant respectfully traverses.

The issue date, which also serves as the publication date, for Eriksson is May 13, 2003, is not more than one year before the filing date of the present application. Thus, Eriksson is not a 102(b) reference. Applicant reserves the right to swear behind Eriksson. However, Applicant believes the claims of the present application are distinguishable for at least the following reasons.

With respect to independent claims 1 and 14, Applicant is unable to find, among other things, in Eriksson et al. a control unit having programmable acquisition, hold, and release parameters to manage the acquisition and gain of the wireless signal based on a transmission

protocol for a communication session with intermittent wireless transmissions, as recited in the claim. The recited control unit is adapted to use the programmable acquisition parameter for use in attacking and locking onto an incoming signal, the programmable hold parameter for use in maintaining sensitivity for the incoming signal at a relatively constant level, and the programmable release parameter for use in increasing the sensitivity to detect a subsequent incoming signal. The recited control unit is also adapted to use the programmable acquisition, hold, and release parameters for the transmission protocol to anticipate intermittent wireless transmissions in the communication session and manage the acquisition and gain accounting for the anticipated intermittent wireless transmissions. Claims 2-3 and 7-13 depend, either directly or indirectly, on claim 1 and are asserted to be in condition for allowance with claim 1. Claims 15-16, 20-26 and 28 depend on claim 14 and are asserted to be in condition for allowance with claim 14.

With respect to independent claim 31, Applicant is unable to find, among other things, in Eriksson et al. a method that includes determining whether the detected wireless energy corresponds to a communication session with intermittent wireless transmissions, determining a transmission protocol to operate an automatic gain control for the communication session, and managing the automatic gain control to regulate gain according to the determined transmission protocol. As recited in the claim, the determined transmission protocol is used to anticipate intermittent wireless transmissions in the communication session. Also as recited in the claim, managing the automatic gain includes accounting for the anticipated intermittent wireless transmissions. Claims 32, 36-41 and 43-45 depend on claim 31 and are asserted to be in condition for allowance with claim 31.

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§103 Rejection of the Claims

Claims 4-6, 17-19, 27, 30, 33-35 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eriksson in view of Rembrand et al. (US 2004/0234089). Applicant respectfully traverses. Rembrand et al. has a publication date of November 25, 2004, which is not before the filing date of the present application. Thus, Rembrand et al. is not a 102(b) reference. Applicant reserves the right to swear behind Rembrand et al. However, Applicant believes the claims of the present application are distinguishable from the proposed combination of Eriksson and Rembrand et al. for at least the following reasons.

Applicant respectfully traverses for at least the reasons provided above with respect to §102 rejection in view of Eriksson et al., and respectfully asserts that the combination of Rembrand et al. with Eriksson et al. does not cure the deficiencies of the §102 rejection. These dependent claims are asserted to be in condition for allowance for at least the reasons provided with respect to their base claims.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

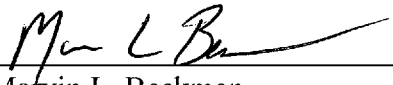
Respectfully submitted,

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Date 3-6-07

By   
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6<sup>th</sup> day of March 2007.

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Name

Signature

